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THE HONORABLE TBD

Attorneys for Defendant Greyhound Lines Inc.

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT RICHLAND

KAREN ELAINE GARD,

Plaintiff,

v.

GREYHOUND LINES INC.,

Defendant.

No.: 4:21-CV-05070
NOTICE OF REMOVAL
DEMAND FOR JURY TRIAL

TO: CLERK OF THE COURT

PLEASE TAKE NOTICE THAT defendant Greyhound Lines Inc.
("Defendant") hereby removes to this Court the state action described below:

1. On or about March 18, 2021, an action was filed in the Superior Court
of the state of Washington for the county of Franklin entitled *Karen Elaine Gard v.
Greyhound Lines Inc.*, case no. 21-2-50126-11. True and correct copies of all
process, pleadings and orders served upon defendant are attached hereto as Exhibit
1.

2. This action is a civil action over which this court has original
jurisdiction pursuant to 28 USC §1332, and is one that may be removed to this

1 court by Defendant pursuant to 28 USC §1441(b) because:

2 a. Plaintiff alleges that at all relevant times, plaintiff Karen Elaine
3 Gard was a resident of York County, Maine.

4 b. At all relevant times, defendant was and is a business
5 incorporated in the state of Delaware with its principal place of business in Dallas,
6 Texas.

7 c. Plaintiff does not set forth the dollar amount prayed for in her
8 complaint. However, defendant has a good faith belief that the plaintiff is seeking
9 damages in excess of the jurisdictional amount because in paragraph 5.1 of the
10 complaint she claims “bodily and emotional injuries, some of which may be
11 permanent and may result in residual permanent disability which may cause pain,
12 suffering, emotional anguish, loss of ability and capacity to enjoy life, health care
13 expenses, possible loss of earnings over her lifetime and other general and special
14 damages, economic and non-economic.” We know plaintiff’s claims include a
15 fractured right patella. The nature and scope of the alleged injuries, including a
16 fractured patella, physical disability and pain, emotional trauma, loss of earnings,
17 wage loss and other damages alleged in plaintiff’s complaint, if proven, would well
18 exceed the \$75,000 jurisdictional amount.

19 3. Removal is timely pursuant to 28 USC §1446(b) because the earliest
20 the summons and complaint were served on defendant was April 1, 2021.

21 4. This is the district and division embracing the place where the state
22 court action is pending (Superior Court of the State of Washington in and for the
23 County of Franklin).

24 5. No other proceedings have occurred, and no other documents have
25 been served in the state court action other than the service of summons and
26 complaint, case information sheet and order setting original case schedule, as

1 referenced above. A copy of the docket in the state court action is attached as
2 Exhibit 2.

3 6. A certificate of service which lists all counsel and pro se parties who
4 have appeared in this action, together with their contact information including
5 email addresses is attached as Exhibit 3.

6 7. No jury demand was filed in the state court. A jury demand is
7 incorporated in this Notice of Removal.

8 8. In filing this notice, Defendant does not waive any defenses or claims
9 including, but not limited to, any defenses based on jurisdiction, service or statute
10 of limitations.

11 DATED: April 28, 2021

12 BULLIVANT HOUSER BAILEY PC

13
14
15 By



16 Robert E. Barton, WSBA #43568
E-Mail: bob.barton@bullivant.com

17 Attorneys for Defendant Greyhound Lines Inc.
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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of April, 2021, I caused to be served the foregoing NOTICE OF REMOVAL on the following party at the following address:

Tamara Baldwin
Parke Gordon, LLC
7401 W. Hood Place
Suite 208
Kennewick, WA 99336
Telephone: 509-582-7274
Facsimile: 866-472-0506
Email: tamara@parkegordon.com

by:

<input checked="" type="checkbox"/>	U.S. Postal Service, ordinary first class mail
<input type="checkbox"/>	U.S. Postal Service, certified or registered mail, return receipt requested
<input type="checkbox"/>	Hand Delivery
<input type="checkbox"/>	E-Service
<input checked="" type="checkbox"/>	Other (specify) <u>E-mail</u>



Robert E. Barton

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